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Serving San Luis Obispo
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July–August 2022



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San Luis Obispo County



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Cover: San Luis Obispo County attorneys Allan Hutkin, Stephanie Barclay and Jude Basile took on the owner of Grand View Apartments in Paso Robles and won a victory for tenants, who for years lived among bed bugs, cockroaches, rats, sewage backups, mold and more (story on page 10). Photo courtesy of Tara Jacobi.

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President's MESSAGE



Use Meditation to Increase Productivity

by Kara Stein-Conaway

If you are like me, then sometimes you feel like you are moving so quickly through your day that you barely have time to breathe, and you certainly aren't making the time to take deep breaths, where you observe yourself breathing the air in and you observe yourself breathing the air out.

Being a person who has spent much of my life to date working at a very fast pace, slowing down my mind is something that if you had talked with me about it a few years ago, I'm not sure that I would have seen the value in it.

As professionals, and career people, we value our minds. We value our minds' ability to process information quickly, to make decisions, to weigh advantages and disadvantages of different situations that we come across. Thinking about slowing down our minds isn't something that might immediately sound like it has value. But it does.

Now, having practiced meditation for some years, I have found immense value to being able to slow down my mind.

When recording Episode 2 of "The Business Mamas Podcast," a podcast I started in 2021, I talked about the life experience that ultimately led me to create a daily morning routine for myself. At that time, I was moving so fast that I burned myself out. I literally exhausted my mind, body and spirit all at the same time.

A huge lesson I learned from that experience, and that I continued to learn in the years since, is to slow myself down before I get to the point of crashing.

I continue to get more and more in tune with myself, with how I'm feeling. The more that I am able to observe my feelings and thoughts without judgment and from a place of compassion, the more I recognize when I feel like I'm moving into a state of feeling like there's too much.

Do you ever feel like you are having trouble sorting out what to do next because it feels like there are just too many things on the list?

When I experience that unsettled place now, I have the consciousness to know that my

body and intuition and knowing are telling me, it's time to slow down, it's time to pause, it's time to take a break, it's time to reset.

Because once I do take that time, once I do slow down my body, my breathing, my thoughts, and spend some time in a peaceful still state, then I re-open my eyes, and it's an entirely different experience. The same long list no longer looks insurmountable.

Instead, the long list looks like a fun challenge, a challenge I can't wait to dive into.

I see the list as what I get to do now. I'm able to restructure my time from an empowered place. That is the power of slowing down.

It may be counterintuitive, if it's not something that you've tried before. But I can tell you from personal experience—conscientiously choosing to slow down is one of the best productivity tools that you can develop in your life.

When I came across this meditation, I knew that I wanted to try it. It's called "Slowing Down

Your Mind” with davidji. You can find this free 20-minute meditation on the Insight Timer app or at this link: <https://insighttimer.com/davidji/guided-meditations/slowing-down-your-mind>. Insight Timer has a lot of great free meditations.

For me, learning to observe and slow down my thoughts has been such an empowering tool. As things arise in my daily life outside of meditation, I observe myself, my thoughts, and then consciously choose which thoughts to believe and which thoughts to let go of.

You may have heard the term ‘Namaste’ before as being used in meditation. It’s commonly translated as, “The light in me honors the light in you.”

By choosing to meditate, you are honoring the light within yourself, and it also naturally leads to you honoring the light in others.

As we come to see our own light and honor the light in others by doing this internal work, we make the internal experience of our lives more beautiful, and we also make the world a better place.

Namaste. ■

This President’s Message was adapted from Episode 34 of Kara Stein-Conaway’s podcast, “The Business Mamas Podcast.” For free self-care resources, visit www.karasteinconaway.com/linktree. Learn more about the podcast on Instagram @karasteinconaway

For information about the Stein-Conaway Law Firm, P.C., where attorneys Kara Stein-Conaway and Jeff Stein help adults accused of crimes in SLO County with their criminal defense practice, please visit www.steinconawaylaw.com.

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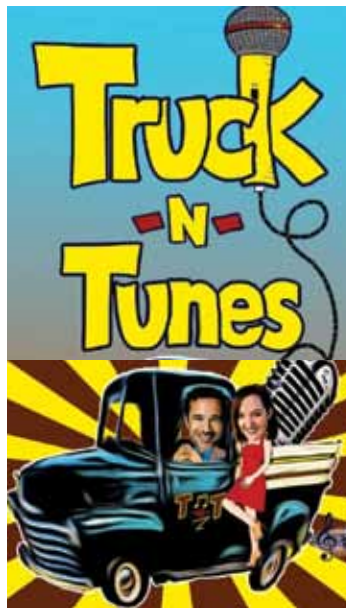
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Editor's Note

by Tara Jacobi

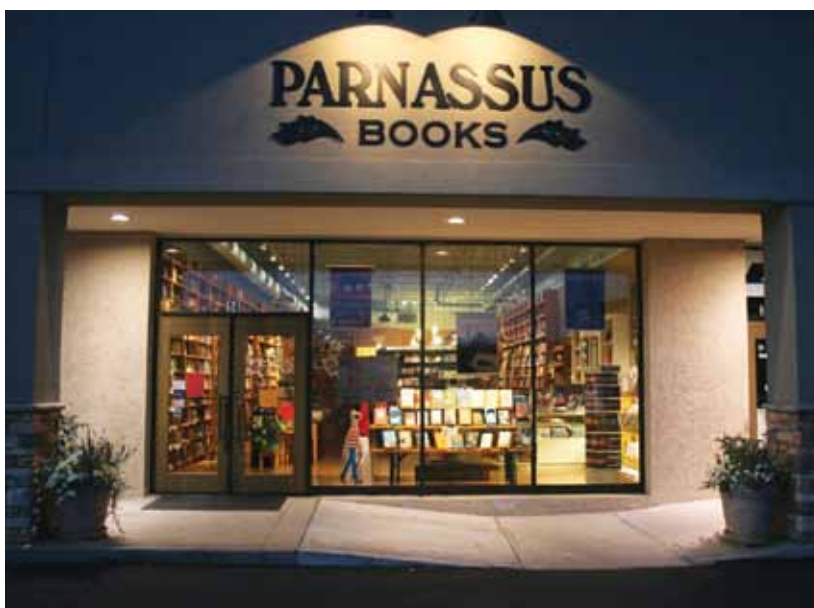
I saw the back of the car first, didn't believe it, wouldn't let it register. My son grabbed my hand pulled me forward shouting, "Grandpa's car is on display around this corner!" I turned the corner, dropped to my knees, reading the museum's sign about my father's work. His car, a front-wheel drive Corvette—the only one known of its kind, home-engineered on Long Island—now sits on display at the National Corvette Museum in Bowling Green, Kentucky.

My father taught me what is possible in this life, and I will never forget the strength of his will. Ironically, to get to Bowling Green over spring break, the closet airport is in Nashville, home of one of my favorite authors, Ann Patchett, who owns an independent bookstore there.

I've come to believe that even while deceased, my father brought me there to remind me of something—like my mother, I've always been passionate about books. Surrounded by books, I feel at home. As I walked

into Ann's bookstore, viewed her novels on the ceiling-high bookshelf to the left of the door, smelled the woody pulp of new books, I smiled with tears in my eyes, knowing he did.

Home, a familiar setting, can mean different things to different people. But I believe most will agree that when something at home is awry, life is not good. Stephanie Barclay, Allen Hutkin and Jude Basile were gifted the opportunity, and made the choice, to make home a better place for Paso Robles residents once living at Grand View Apartments. Readers can find their photos on the cover and their story



in the pages ahead. These three individuals making a difference are an exemplary part of our legal community.

Also, San Luis Obispo Legal Assistance Foundation (SLOLAF) Executive Director Donna Jones gives

us an overview of the nonprofit's recent fundraiser, complete with photographs.

In hearing our current Bar Association President Kara Stein-Conaway talk about leadership at the SLO County Bar board retreat at the beginning of the year, I was intrigued with her viewpoints and had to learn more. In a profession that is known for its cutthroat, takedown attitude of opponents or competition, it could not register with me how Kara might hold the views she does about leadership. It was the initial spark for a conversation, which grew. I interviewed Kara and other leaders of our legal community, Presiding Judge

Craig van Rooyen and Women Lawyers Association President Maren Hufton.

This conversation proved engaging as leadership does mean something slightly different to different people.

Andy Weiss diligently worked to give members an update regarding what brand new legislation means for medical malpractice cases. Klaus Gottlieb informs us about

how estate planning will be shaped in the future.

Enjoy the pages ahead. If you are inspired to contribute, please reach out to me via email at tarajacobi@icloud.com. ■

The San Luis Obispo County Bar Association Endowment to Assist Persons of Color in Pursuit of a Career in the Legal Profession

As of May 31, 2022 — Endowment totals \$56,763.74

Scholarship eligibility criteria and donation details are posted at www.slobar.org.

For more information, please contact Executive Director Kerrin Horvarter at slobar@slobar.org.



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Medical Malpractice Cases Encounter a Whole New Ballgame in AB35



by Andrew Weiss, Weiss Mediation

In the 47 years since California enacted the Medical Injury Compensation Reform Act of 1975 (MICRA), the \$250,000 cap it imposed on general (pain and suffering) damages was never increased. That is, until now.

Faced with a costly and hotly contested ballot initiative this November asking voters to raise the cap to \$1.2 million, rival health care and patient-advocate groups worked out a long-term and more graduated legislative solution. These changes significantly raise the stakes in medical malpractice cases and increase the likelihood that many more of them will be filed.

On May 23, 2022, Governor Gavin Newsom signed Assembly Bill 35 into law, making the first substantial changes to MICRA since its inception. These changes will make the filing and prosecution of medical malpractice cases more attractive to plaintiffs' attorneys and give more medically injured patients the opportunity to hold their health care providers accountable.

Monetary Caps Raised

Applicable to all cases where complaints are filed or arbitration is demanded on or after January 1, 2023, the bill raises the cap on general damages of Civil Code §3333.2 from \$250,000 to \$350,000 for non-death malpractice cases, with annual increases of \$40,000 for 10 years, topping out at \$750,000. Thereafter, the cap will increase by 2 percent per year for

inflation. C.C. §3333.2(h).

For malpractice cases resulting in wrongful death, the cap is raised to \$500,000, with annual increases of \$50,000 for 10 years, topping out at \$1 million, with 2 percent annual increases each year thereafter. C.C. §§3333.2(c) and (h). It is the dollar amount in effect at the time of judgment, arbitration award or settlement that applies to an action. C.C. §3333.2(g).

Under original MICRA, each injured plaintiff was limited to a single cap on non-economic damages, which applied to all defendants collectively. Wrongful death heirs were collectively limited to a single cap. Under the updated law, there is one \$350,000 cap shared for one or more health care providers, and a separate \$350,000 cap for one or more health care institutions. C.C. §3333.2(b)(1) and (2).

In addition, if there are one or more health care providers or health care institutions unaffiliated with those specified in C.C. §§3333.2(b)(1) and (2), a separate third \$350,000 cap can be recovered. C.C. §3333.2(b)(3). This potentially raises the cap on general damages in a non-death malpractice case to \$1,050,000 (increasing to \$2.25 million over 10 years), and \$1.5 million (increasing to \$3 million over 10 years) in a wrongful death malpractice case. C.C. §§3333.2(c)(1-3).

Why Are Increases Necessary?

Because \$250,000 just isn't

worth what it used to be. Economists will tell you that because of inflation, it would take more than \$1.3 million in 2022 dollars to equal the purchasing power of \$250,000 in 1975 dollars. In short, inflation made the \$250,000 cap less valuable over time and made prosecuting medical malpractice cases less and less attractive with each passing year.

For many plaintiffs' attorneys, only the most catastrophic cases with high special damages, such as so-called bad baby cases, were worth pursuing, leaving many lesser-injured patients without representation, even where liability and causation seemed reasonably clear.

Medical malpractice cases are notoriously expert- and discovery-intensive, and therefore expensive to prosecute. Add to that the well-known statistic that health care providers win at trial about 80 percent of the time, and it is clear why many plaintiffs' attorneys have categorically shunned medical malpractice cases for years. All that changes with AB 35.

Changes to Business and Professions Code §6146

In addition to raising the cap on general damages, and allowing multiple caps in the same case, the bill also changes Business and Professions Code §6146. Under original MICRA, that provision limited the amount

plaintiffs' attorneys could charge their clients based on a sliding fee scale: 40 percent of the first \$50,000 recovered; 33 percent of the next \$50,000 recovered; 25 percent of the next \$500,000 recovered; and 15 percent of the amount over \$600,000 recovered.

For example, under the sliding scale, a recovery of \$1 million would yield attorney's fees of \$221,500. AB 35 replaces the scale with a flat 25 percent of the amount recovered if the recovery is pursuant to a settlement agreement and release of all claims executed by all parties prior to a civil complaint or demand for arbitration being filed. The rate is 33 percent if the recovery is after the filing of a civil complaint or demand for arbitration. If the case is tried in a civil court or arbitrated, the plaintiffs' attorney may file a motion with the court or arbitrator for a contingency fee over 33 percent which, in the judge's or arbitrator's discretion, can be awarded based on evidence of good cause. B&P §6146(a)(3).

The fee limits of updated section 6146 apply regardless of whether the recovery is by settlement, arbitration, or judgment, and whether the recovery is made on behalf of a responsible adult, an infant or a person of unsound mind. B&P §6146(a).

Using the prior example of a \$1 million recovery, under the updated law an attorney is entitled to fees of \$250,000 if settled before a complaint or demand for arbitration is filed, and \$330,000 after the complaint or demand for arbitration is filed, with the potential to petition the court or arbitrator for a higher fee if the case is tried or arbitrated. Together, the allowance for

higher attorney's fees and the availability of higher and multiple general damages caps will incentivize plaintiffs' attorneys to take on more of these cases.

Changes to Code of Civil Procedure §667.7

AB 35 also modifies Code of Civil Procedure §667.7, which provides for periodic payments of future damages. This section gives losing defendants the option to pay an award of future damages in installments over time under terms determined by the court, rather than as a lump sum following entry of judgment. Under original MICRA, the threshold for requesting a future judgment to be periodicized was \$50,000, but AB 35 raises this to \$250,000. B&P §667.7(a).

Addition of Health and Safety Code §104340

Finally, AB 35 adds Health and Safety Code §104340, which is intended to encourage health care providers to express compassion and sympathy to patients who suffer adverse outcomes and/or their families without fear that this will be used against them as an admission of liability in a later malpractice claim. This new section is unusually detailed and comprehensive. Section 104340(a) provides the following:

"Statements, writings, or benevolent gestures expressing sympathy, regret, a general sense of benevolence, or suggesting, reflecting, or accepting fault relating to the pain, suffering, or death of a person, or to an adverse patient safety event or unexpected healthcare outcome, in relation to an act or omission to act in the provision of or failure to provide health care,

and made to that person or the family or representative of that person prior to the filing of a lawsuit or demand for arbitration, shall be confidential, privileged, protected, not subject to subpoena, discovery, or disclosure, and shall not be used or admitted in evidence in any civil, administrative, regulatory, licensing, or disciplinary board, agency, or body action or proceeding, and shall not be used or admitted in relation to any sanction, penalty, or other liability, as evidence of an admission of liability or for any other purpose, and all such communications, whether verbal, electronic, in writing, or in any other form, shall be entitled to the privileges and protections set forth in Sections 1119, 1152, 1157, and 1160 of the Evidence Code."

While most of AB 35 favors patients and their attorneys, §104340 benefits health care providers.

MICRA has been heavily litigated over the years, and it is likely these changes will create new issues to litigate as they are implemented. Nevertheless, they make handling of medical malpractice cases more attractive to plaintiffs' attorneys and therefore increase the likelihood that patients with less-catastrophic injuries and lower special damages will get their day in court. ■

Andrew Weiss was a board-certified medical malpractice defense attorney for 38 years before retiring from active trial practice in 2019 to do mediations. His practice, Weiss Mediation, is based in San Luis Obispo County and serves the entire Central Coast and beyond; aarweissmediation.com.

Great Things Happen When You Step Out of Your Comfort Zone— Lessons Learned From the Grand View Apartments Case

by Stephanie Barclay, Legal Director, San Luis Obispo Legal Assistance Foundation

Meeting Velia Talamantes

In October 2018, San Luis Obispo Legal Assistance Foundation (SLOLAF) was a small organization with limited staff: a part-time office administrator, a part-time staff attorney, a newly hired part-time bilingual advocate and me. At the time, I served as the organization's executive director, supervising attorney and coordinator of several indispensable volunteers and interns. When Velia Talamantes, a monolingual Spanish speaker, contacted SLOLAF, our bilingual advocate and a volunteer attorney responded to the call and met with Talamantes where she lived at the Grand View Apartments in Paso Robles.

On their recommendation, I then made my first of what would be a countless number of trips to Grand View Apartments to meet Talamantes, a petite and welcoming 66-year-old woman who was fed up with the landlord raising her rent three times a year while ignoring her complaints and the complaints of others in the apartment complex about unlivable conditions.

For years, the tenants of Grand View had been living among bed bugs, cockroaches, rats, sewage backups, mold and more. As Talamantes

pointed out the cockroaches and other problems throughout the apartment, I was struck by how clean her home was. She explained that she cleaned houses for a living. She also paid her rent on time and repeatedly gave notice to the manager and handyman about apartment conditions. Her complaints about health, safety and habitability issues were never resolved. Talamantes told me she had been to many other law offices, and they told her she didn't have a good case and should drop it.

I advised Talamantes that pursuing litigation against the apartment owner would be risky, and that it could result in tenants having to move out. Nevertheless, she worried about the families with young children living in slumlike conditions who were too afraid to speak up. She wanted help for everyone.

I met several of these families during this investigative stage and confirmed the slumlike conditions were pervasive throughout Grand View Apartments, with some apartments worse than others, and some tenants more willing to get involved than others. With the help of a few tenants who began to take on a leadership role, including Francisco

Ramirez, we gradually started to build the trust of many other tenants who were reluctant to get involved.

Most of the families living in substandard conditions at Grand View were hard-working immigrants trying to make ends meet and raise their families in northern San Luis Obispo County. Many worked in construction, hotels and fast-food restaurants, or picked grapes for wineries. I thought there would be power in numbers: we might be ignored if we represented one tenant, but if we represented all or most of the Grand View tenants, we would be difficult to ignore.

The mission of SLOLAF is to provide free legal services and resources to SLO County residents in need. It didn't seem right to serve one or a few tenants and leave the other 200 or more behind. SLOLAF had never taken a case anywhere close to this size in its almost 30-year history. We did hire a full-time executive director shortly after meeting Talamantes, giving me more time to devote to our legal cases, but we didn't have a litigation budget to fund a class-action lawsuit, and we certainly didn't have a large enough team.

Yet, I knew we had to take this case.



Among many other health hazards, residents of Grand View Apartments endured bug bites, cockroaches, leaks and mold.

Selecting Co-Counsel

With the support of SLOLAF's Board of Directors, I set out to identify co-counsel with a commitment to social justice and class action experience to help lead the case and fund the litigation. I pitched the case to Allen Hutkin at the Hutkin Law Firm, which also offered bilingual, culturally competent staff to round out the team. After doing their own research and meeting with the clients, the Hutkin Law Firm agreed to litigate the case as lead co-counsel.

I often felt in over my head and would turn to Hutkin for reassurance. I handled big cases when I was at the Attorney General's Office, but they were different—no one's housing, health or safety were at risk in those cases, and they did not involve hundreds of clients, most of whom I could not communicate with without the help of a translator. I was out of my comfort zone, but I tapped into my strength in networking and connected with the legal aid community statewide to find colleagues with tenants' rights and habitability litigation experience who were willing to help me, strategize and share sample pleadings.

Working with the Press

After we filed the complaint and obtained a restraining order preventing Grand View from collecting rent or evicting tenants, I circulated my first press release in the case. I had

drafted press releases before, but never one that captured much interest. Reporters started calling me immediately and I panicked. I thought the press release would help raise awareness, but I didn't really trust the press and I was nervous about speaking to reporters.

My sister, a public relations professional, told me, "The first rule is don't send a press release if you don't want to talk to the press!" Good advice. I left my comfort zone and learned how to work with reporters and introduce them to our tenant spokespersons like Francisco Ramirez and Velia Talamantes. I came to view the press as an important component of advocacy. Ultimately, the press attention this case received brought many gifts that I could not have imagined.

We fought hard from the time we filed the complaint in May 2019 until September 2019 when the Court allowed Grand View to go out of business, evict the tenants and sell the building. Then, while the Hutkin Law Firm focused on discovery and trial preparation, I put on my social worker hat and began a campaign to help find housing for displaced tenants. The press helped here as well.

We put on resource fairs for our clients in the evenings and on weekends, providing information in English and Spanish. We invited agencies that included the Paso Robles Housing Authority, People's

Self-Help Housing, HASLO, Paso Robles School District, the Link, 5 Cities Homeless Coalition, CAPSLO, ECHO and Department of Social Services to provide information about services to our clients and help them fill out applications when necessary.

Many families secured subsidized housing they did not previously know they were qualified to receive. In this way, many of our clients ended up in much nicer and much less expensive housing they could afford, with outdoor space where their children could safely play without tripping in rat holes and smelling raw sewage.

The *Tribune* staff writer who covered the story, Lindsey Holden, was so interested in the topic that she was awarded a grant from USC Annenberg's Center for Health Journalism to do investigative journalism about substandard housing in SLO County. Under the grant, over the course of a year the *Tribune* published a series of articles, including interviews with code enforcement officers, tenants, elected leaders and community members. The *Tribune's* coverage culminated in a panel presentation on Zoom that I participated in.

Lindsey went on to garner fifth place in the public service category of the California News Publishers Association's 2020 journalism contest for her coverage of substandard housing. The media attention also helped us raise money from the community to help our tenants with relocation costs when they were forced to move. Eventually, the press attention brought us another gift: attorney Jude Basile.

Continued on page 12



Photos courtesy of SLOLAF.

Grand View Apartments continued

Adding The Basile Law Firm to the Team

Before he reached out to congratulate us on our efforts to help the Grand View tenants, I only knew of Jude Basile by his reputation as a stellar personal injury trial attorney who is passionate about trying cases and very selective with the cases he takes. I couldn't help but feel excited and honored when I heard he was showing an interest in our case. What I had viewed as a real property/unfair business practices class action case when I evaluated it at the outset was really a couple of hundred similar personal injury cases that we ultimately decided should not be tried as a class. With that in mind, we wanted Basile's personal injury experience to round out our trial team, and he agreed to join as co-counsel.

Basile's skill at taking depositions was the best I have ever seen. It helped that we had developed a lot of good evidence leading up to the depositions. After multiple depositions, we made an insurance policy limits demand of \$4 million, which the defendants accepted.

Allen Hutkin and his firm skillfully took the lead on the effort to settle the class and notify 300+ former tenants of Grand View Apartments so that they could submit their settlement claims, with amazing results. Approximately 290 former Grand View tenants will receive a share of the settlement. That's 290 residents of our community who had their voices heard and their long-standing health, safety, and habitability concerns finally addressed.

The Hutkin Law Firm hired a Class Administrator (CPT Group), Settlement Master (David Warren) and Guardian ad Litem (Greg Gillett) to ensure the process was handled fairly and the minors' interests were protected. SLOLAF will receive a



A family (left), who used to live at Grand View Apartments, moved into nicer and less expensive housing as a result of the lawsuit and efforts by SLOLAF Legal Director Stephanie Barclay and SLOLAF Office Administrator Annette Lares (right).

share of the attorneys' fees that will be used, in part, to create a litigation fund so that we can take smaller habitability cases that have merit but are not big enough to interest a contingency fee lawyer.

The Case That Keeps on Giving

Aware of our work on the Grand View Apartments case, California Rural Legal Assistance (CRLA) Foundation contacted SLOLAF during summer 2021. They offered us a grant to help get resources and information about tenants' right to BIPOC (Black, indigenous, people of color) communities in the County in order to increase access to housing, legal aid and related services for farmworkers and immigrants. With funding from CRLA Foundation, SLOLAF had the capacity to hire its first full-time bilingual Community Housing Advocate. I knew just the person for the job.

Francisco Ramirez was our tenant spokesperson from Grand View

Apartments. A resident of Grand View himself, Ramirez helped us communicate with, and develop trust from, the other tenants, local elected leaders and the press. When I told him about the position, he responded, "When can I start?" Ramirez has become a valuable member of the SLOLAF team. Yet another gift from the Grand View Apartments case.

I recently had the opportunity to speak with the founder of a law firm in Los Angeles that exclusively handles habitability cases on behalf of tenants. He was blown away by the fact that we filed our lawsuit on behalf of more than 200 impacted tenants. (The maximum number of tenants his firm will represent in one case is around 30).

I tend to learn things the hard way. Perhaps if I had known then what I know now, I would have done things differently and taken on a smaller group of clients. I am glad I didn't know. ■

A Roaring Good Time

as The Bootleggers' Ball Marks SLOLAF's 7th Annual Gala and Celebrates 30 Years of Community Service

by Donna Jones, Executive Director,
San Luis Obispo Legal Assistance Foundation

Photos courtesy of Melissa Walker-Scott

Everyone had a roaring good time on April 30, 2022, as San Luis Obispo Legal Assistance Foundation (SLOLAF) pulled out all the stops for its annual fundraiser, The Bootleggers' Ball. After 2 1/2 years away, as a result of the pandemic, SLOLAF was thrilled to host more than 260 supporters for this 1920s-style event, held at La Cuesta Ranch in San Luis Obispo.

In true 1920s speakeasy fashion, SLOLAF had to move the event twice because of unforeseen circumstances, but the final stop at the historic ranch was truly "the bee's knees." La Cuesta, locally owned by the Miossi family, has been lovingly restored and outfitted as an event venue by Gabriel Miossi and family, complete with original barn, outbuilding and antique trappings.

Arriving at an empty field used as a parking lot, guests dressed to the nines in flapper dresses, pearls, feathers and fedoras were full of anticipation—what was in store for them? Whisked away for a short ride down the hill, they landed at the barn, where they were greeted with a "giggle water" welcome drink, and the fun began.

A vintage Jaguar was on site for a jazzy photo background. Photographer Melissa Walker-Scott captured scenes of guests showing their pizzazz there and throughout the venue. Guest tables adorned the grounds outside the barn, featuring floral arrangements

by The Flower KO. On the patio, guests enjoyed hosted bar offerings, including local wines and signature period cocktails, with live Dixieland jazz music, compliments of the Speakeasy Swingers. SLO Stills contributed to the moonshine theme with whiskey and gin tastings, and guests tried their luck at the Deck of Cards Wine Raffle and Moonshine Madness Game of Chance. Inside the barn, a silent auction with more than 50 items awaited the highest bidder. The barn was buzzing with the sounds of guests happy to see each other and pleased to support SLOLAF.

After an excellent dinner catered by Taste! Craft Eatery, guests learned about SLOLAF's position as a non-profit legal services organization that has the same structure as many private law firms. SLOLAF's free services are available based on eligibility standards set by its funding sources, which primarily include public and private grants serving low-income individuals and/or seniors.

Since the last fundraising event, SLOLAF has added several new legal programs and now has a staff of 11. Previously, SLOLAF's clients were limited to seniors and veterans—now the organization has grown to assist all low-income SLO County residents and covers housing issues, eviction, foreclosure prevention, conservatorships and guardianships of the person, elder abuse and senior legal services. SLOLAF also works in



Angie King was honored with the new SLOLAF Ambassador Award, given to an individual who represents and embodies SLOLAF's core values of Empowerment, Community and Excellence. King served as the Senior Legal Service Project's director for 16 years, then joined the Board, and now is a volunteer attorney with senior legal cases.

partnership with CAPSLO, assisting homeless veterans and low-income SLO County residents affected by COVID-19.

The staff's work could not be accomplished without the support of a dedicated and passionate board of directors. Board President Erica Flores Baltodano invited the audience to join in celebrating SLOLAF's 30th anniversary. Since 1992, SLOLAF has helped thousands of clients obtain free legal help they would not otherwise be able to afford. Baltodano said SLOLAF's growth over the last three years was the result of new grant funding sources, and she announced some of the new programs SLOLAF will soon provide. In addition to expanding its senior legal services, SLOLAF will offer assistance with government benefits to all low-income SLO County residents.

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SLOLAF's 7th Annual Gala *continued*

SLOLAF will also open a new Family Law Services Program, a significant expansion of the free legal services it currently offers. Lumina Alliance, the organization formed when Stand Strong and RISE merged, has asked SLOLAF to run and expand the legal program it has operated since 2015 to close the gap in legal services for survivors of crimes of intimate partner violence, dating violence, sexual assault, stalking, elder abuse and human trafficking. Under SLOLAF, the Family Law Services Program will be attorney-led to help low-income survivors obtain restraining orders, child custody and child support, and dissolution of marriage. To administer the program, SLOLAF will hire a second legal director and other legal and support staff to provide trauma-informed legal services.

SLOLAF's long-term vision for this program is to eventually offer a full menu of free family law services to low-income SLO County residents, whether they are impacted by intimate partner violence or not, services that are currently unavailable in our county. Baltodano said approximately 30 percent of the current calls SLOLAF receives involve individuals needing help with family law matters. Now SLOLAF will have the capacity to

serve many of them.

Baltodano thanked the members of the SLOLAF Family Services working group, chaired by SLOLAF board member Khoulood Pearson and including current SLOLAF board member Patricia Gomez, local family law attorney and former SLOLAF board member John Carsel, Jones and Baltodano. Of note was some history that Gomez, a founding SLOLAF board member, brought to the attention of the working group. When SLOLAF was formed 30 years ago, one of the first programs the board set up was a domestic violence temporary restraining order clinic staffed by volunteer attorneys. The organization has truly come full circle with the establishment of a fully staffed Family Law Services Program. SLOLAF anticipates the program will begin accepting clients in fall 2022.

The evening's next event was the announcement of the new SLOLAF Ambassador Award. This award will be given annually to one honoree in recognition of their outstanding contributions to SLOLAF and its clients. The honoree represents and inspires others; embodies SLOLAF's core values of Empowerment, Community and Excellence; and has gone above and beyond to earn the respect of peers, colleagues and clients.

The inaugural recipient was very clear to the SLOLAF board of directors—Angie King embodies the qualities of this award perfectly. King served as the Senior Legal Service Project's first project director for 16 years, then joined the board to lend her expertise in legal aid from that vantage point. In 2013, when SLOLAF was joined by current legal director Stephanie Barclay, King became part of SLOLAF's volunteer attorney corps, bringing her years of experience to some of the more difficult senior legal cases.

Barclay shared with the audience her experience in working with King over the years, highlighting how King mentored her through her early years as project director of the Senior Legal Services Project. Even now as a volunteer attorney King continues to mentor SLOLAF staff, particularly in the area of government benefits cases, which can be quite lengthy and challenging. King graciously accepted the award, keeping the audience laughing while sharing some of her experiences over the years.

"When it all comes down to it," King said, "it's the clients that keep me coming back." King was presented with an art glass award almost as colorful as her personality and signature ensembles.



From left, Paul Young and SLOLAF Legal Director Stephanie Barclay; Forrest Pearson and SLOLAF Board Member Khoulood Pearson; Janna Nichols and SLOLAF Board Member Patricia Gomez.



Auction winner Andrew Van Sicklen



SLOLAF Board President Erica Flores Baltodano



Auction bidder Frank Seiple

With presentations concluding, local auctioneer Todd Ventura took the stage and got the live auction going with a favorite game of chance—Heads or Tails—with the last guest standing taking home a fully stocked 24-bottle wine fridge.

Next came the dessert auction. When the first dessert sold for \$3,500, all knew it was going to be a high-stakes evening. Live auction offerings included a trip to Tuscany, stays in



Auctioneer Todd Ventura and volunteer Natalia Noriega



Historic La Cuesta Ranch, locally owned by the Miossi family, has been lovingly restored and outfitted as an event venue by Gabriel Miossi and family. The original barn, outbuilding and antique trappings served as “the bee’s knees” venue for The Bootleggers’ Ball.

Mammoth and Mexico, a private dinner with entertainment, and a Vina Robles concert. Five desserts and 12 live auction items later came the Paddle Raise portion of the evening. Every paddle raised represented a pure donation to SLOLAF in support of the vital services it offers.

Lumina Alliance CEO Jennifer Adams spoke about the impact SLOLAF’s new Family Law Services Program will have on very vulnerable members of our community. Many paddles were raised in support. SLOLAF anticipates that some of the proceeds from the Paddle Raise will

be used cover startup costs of the new Family Law Services Program.

More than \$160,000 was raised at The Bootleggers’ Ball—more than ever before. SLOLAF thanks its many sponsors, auction and raffle donors, and supporters for making this a night to remember. Long after the feathers and fedoras have been put away, SLOLAF will continue to help vulnerable members of our community. The saying, “It takes a village,” is so true, and SLOLAF is grateful to have all of you in its village.

Thank you for your support! ■

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Jay Beck



Faith Carlson



Joel Diringer

Right, Janelle and Jonas Bailey



Adela and Arpad Soo



Shelley McConnell, Stephen Maguire



Above, Erin Roberts, Kristen Spiegel

Right top, Evan and Erin Spano, Morgan and Anthony Kastenek

Right center, Travis Vawter, Bailey Puder, Larry and Nancy Puder

Right, Kelli and Jared Salter, Justine and Jeff Waldram



Above, Michelle Green, SLOLAF Staff Attorney Kevin Green, Jill Fitzgerald

Right, volunteer Sherry Wright, SLOLAF Executive Director Donna Jones, volunteer Gabriella Schrader

Far right, Speakeasy Swingers played Dixieland jazz.





Jeff and Karianne Spoo

Jeanie and Andy Greensfelder

SLOLAF Board Member Brad Liggett and Kyra Liggett



Rachelle Tellez



Above, Charmaine Petersen and Christy Cummings

Left, Carol Ramirez, Debra Trout, Shawna Thompson

Right, Christina Firpo, SLOLAF Board Member Michael Chen

Below, Dena Dowsett, Annie Manuele



Dr. Elizabeth Chowins, Dr. Rupert Chowins



San Luis Obispo County Law Library

NEW in North County

Computer Kiosk Offers Digital Access to Legal Research, Resources and Forms for Attorneys and the Public

Legal & Self-Help Resources Available

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- California State Assembly Daily Journals
- California Senate DailyFile
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- NOLO Guides (1,000+ volumes)
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- Google Internet access
- E-filing from computer
- Online Form Preparation for California Superior Court, County of San Luis Obispo
 - Divorce
 - Child Support/Custody
 - Domestic Violence Restraining Order
 - Civil Harrassment Restraining Order
 - Elder Abuse
 - Guardianship
 - Small Claims
 - Name Change
 - Eviction/Unlawful Detainer
 - Request for Order

Not Offered — CEB On-Law & Outlook



Where & When

Paso Robles Courthouse
Courthouse Lobby
901 Park Street
8:30 a.m. to 4:30 p.m.
Monday-Friday

For Assistance

San Luis Obispo
County Law Library
(805) 781-5855

Open 9 a.m. to 4 p.m.
Monday-Wednesday
8:30 a.m. to 1:30 p.m.
Thursday-Friday

lawlibrarian@sloccl.org

sloccl.org

County Courthouse Annex
1050 Monterey Street
Room 125
San Luis Obispo, CA



Forces That Shape Estate Planning Over the Next 20 Years—and a Call to Action

by K. Gottlieb, MBA, JD (written February 2022)

There are six interconnected factors or forces that are likely to affect estate planners and their clients over the next two decades and beyond.

1. The potential for unprecedented wealth transfer to the next generation
 2. The long-term care crisis looming for older Americans
 3. The rapid aging of the population
 4. Unsustainably low tax rates
 5. Direct Care Worker shortages
 6. Low estate planning participation
- Let's briefly examine them.

1. The potential for unprecedented wealth transfer to the next generation

The Wall Street Journal gushes, "Transfers to heirs and others are unleashing a torrent of economic activity, including buying homes, starting businesses and giving to charity." According to the WSJ, the research and consulting firm Cerulli Associates estimates that between 2018 and 2042 older Americans will transfer approximately \$70 trillion.¹ But to whom? Heirs, chiefly Generation Xers and Millennials, will receive the lion's

share, approximately \$61 trillion, and the rest will go to philanthropy. But net worth is not a static or steadily increasing figure, especially after retirement. How do health care, long-term care expenditures and taxes figure into this equation? The WSJ does not comment.

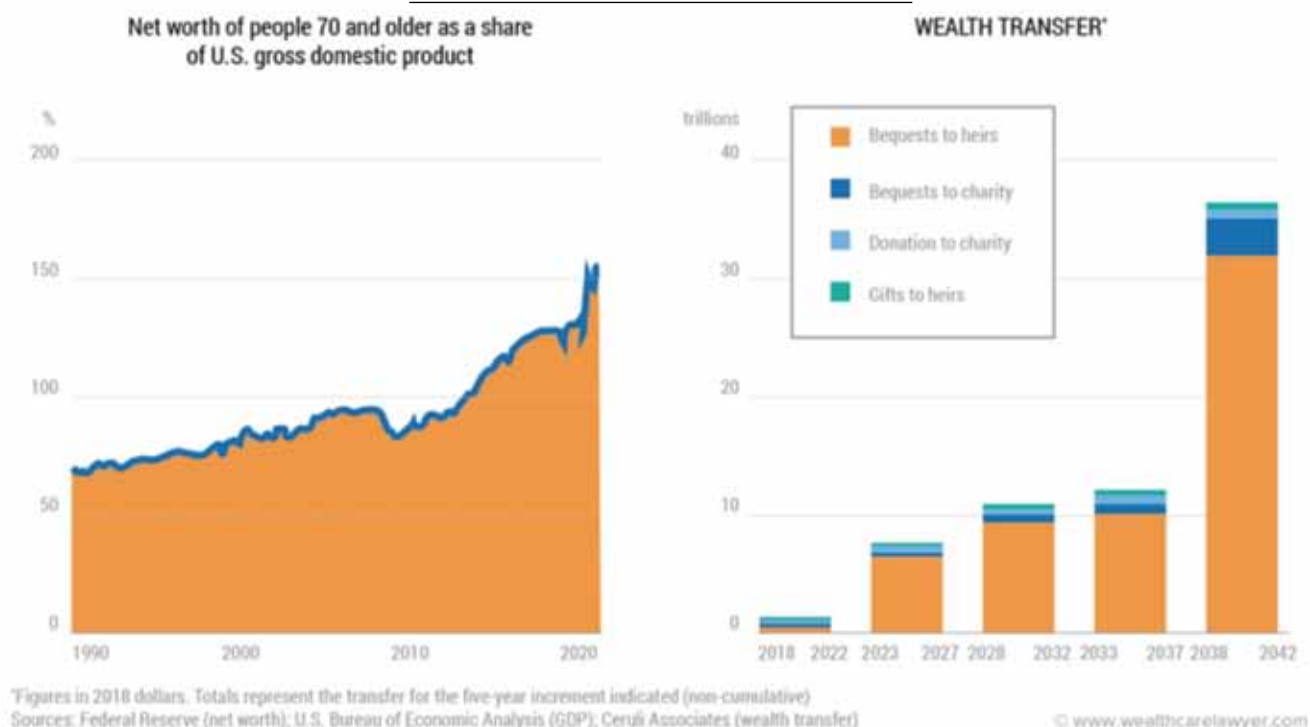
As Figure 1 shows, a marked increase in such transfers will occur in the five-year period from 2022–2027 compared with the preceding five-year period. However, because of other societal trends that we will examine, it is far from clear whether this wealth will reach families, loved ones and charities, or health care institutions, long-term services and support providers, and the taxman.

2. The long-term care crisis looming for older Americans

While a lot of wealth has been and will be accumulated, much of it will be dissipated prior to transfer to intended beneficiaries. Some of this can be avoided through careful planning. It has been well documented that Americans face an underestimated risk of outliving

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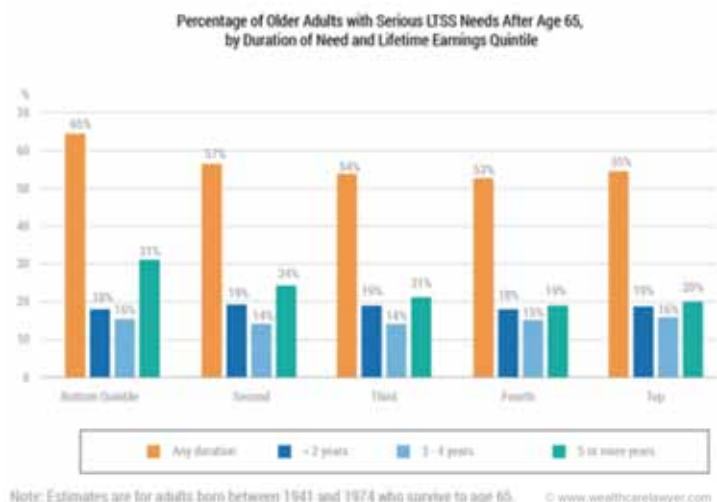
Figure 1: Wealth Transfer 2018 – 2042



Estate Planning continued

their financial resources in retirement. Shocks are usually caused by unanticipated large health and long-term care expenses.

Figure 2: Long-Term Services & Support (LTSS) Needs



According to a 2021 report of the Department of Health and Human Services,² most adults develop serious Long-Term Services and Support (LTSS) needs after they reach age 65 and use paid LTSS (Fig. 2). LTSS needs are not healthcare services but encompass assistance with activities of daily living, either provided in a care home or at the recipient's usual residence.

Persons in the bottom quintile of lifetime earnings have somewhat higher LTSS needs than people in the other quintiles, but there are no meaningful differences among the other quintiles. In consequence, persons most likely to be in a position to transfer a significant amount of wealth to the next generation have the same high lifetime risk of needing LTSS as the average American. Unfortunately, few prepare for this because this fact is not well known. Most Americans believe that the chances that they will need LTSS are low.

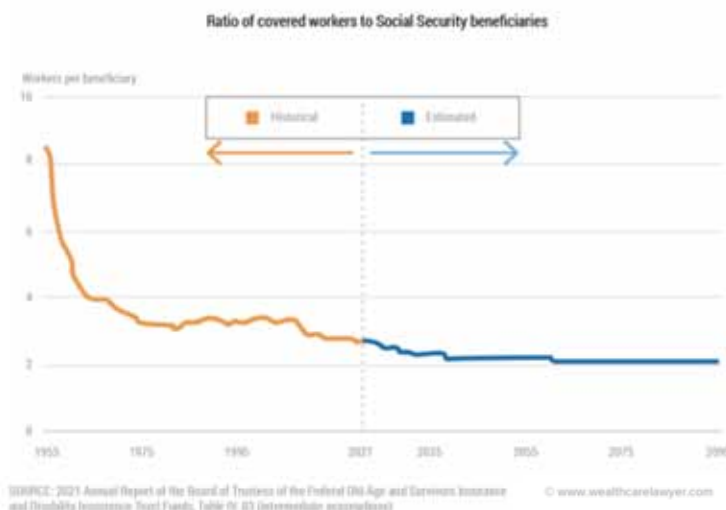
Because LTSS insurance is risky and therefore often unprofitable, many insurers have left the field and few adults are now covered by LTSS insurance. Medicare does not cover the usual LTSS expenses. Unless eligible for Medicaid, large outlays for LTSS, which are common, can jeopardize the financial security of older adults. Families, their advisors and policymakers need to plan better for these exigencies, especially in view of the projected rapid increase in the population ages 80 and older.

3. The rapid aging of the population

The number of workers sharing the cost of supporting Social Security beneficiaries has plummeted and will

continue to decrease further unless future employment patterns change dramatically (Fig.3). The latest Social Security Administration projections indicate that there will be 2.1 workers per Social Security beneficiary in 2040, down from 3.7 in 1970.³

Figure 3: Ratio of Covered Workers to Social Security Beneficiaries



The 2021 Trustees Report projects that the pattern established in 2010 of tax and other noninterest income not covering expenditures will continue for at least 75 years. This is assuming that no program changes are made. At present, full payments of scheduled benefits can be made until 2034.⁴ The corollary is that benefits beyond that date are anyone's guess.

Possible solutions are to ask the shrinking pool of covered workers to contribute more, decrease benefits, raise other taxes or foster immigration, none of which is really under our control.

4. Unsustainably low tax rates

A sustainable fiscal policy is defined as one where the debt-to-GDP ratio is stable or declining over the long term. The projections based on the assumptions in the Year 2020 Fiscal Year Financial Report indicate that current policy is not sustainable. The assumptions were developed prior to the COVID-19 pandemic and economic downturn. Even so, the debt-to-GDP ratio reached 100 percent at the end of FY 2020 and the authors warn that "...if current policy is left unchanged and based on this report's assumptions, the debt-to-GDP ratio is projected to rise to over 124 percent in 2030, and to 623 percent in 2095 and to even higher levels, thereafter. Preventing the debt-to-GDP ratio from rising over the next 75 years is estimated to require some combination of

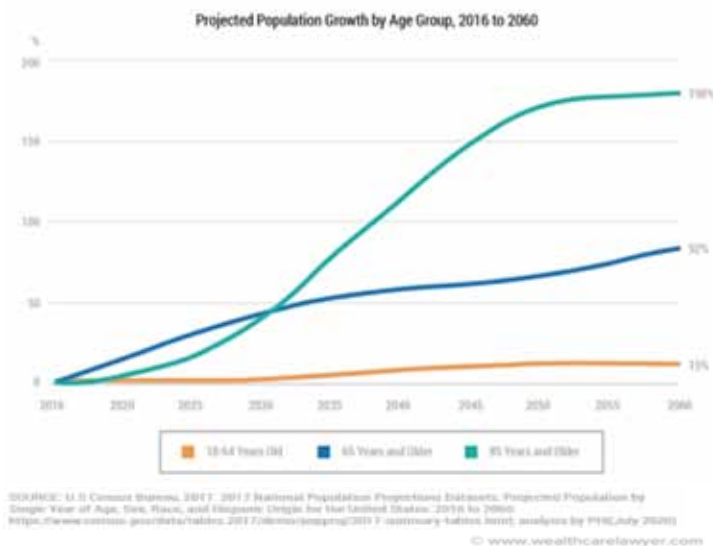
spending reductions and revenue increases that amount to 5.4 percent of GDP over the period.”⁵ Please note that the report says spending reductions AND revenue (tax) increases are needed.

Much of current estate planning has relied on the generous gift and estate tax exemptions, and low capital gains and income taxes. A doubling of the gift and estate tax exemption level was adopted in the 2017 tax revision (P.L. 115-97), effective from 2018 to 2025; for 2021, the exemption is \$11.7 million. This led to an estimate loss of \$83 billion in revenue.⁶ This law is sunseting in 2025 unless renewed. If not renewed, our planning assumptions need a major reset as well.

5. Direct Care Worker Shortages

Direct Care Workers assist adults in the activities of daily living; they do not provide healthcare. They consist of home care workers, residential care aides and nursing assistants in nursing homes. From 2016 to 2060, the population of adults aged 65 and older in the U.S. will nearly double, from 49.2 million to 94.7 million (Figure 4).

Figure 4: Projected Population Growth by Age Group



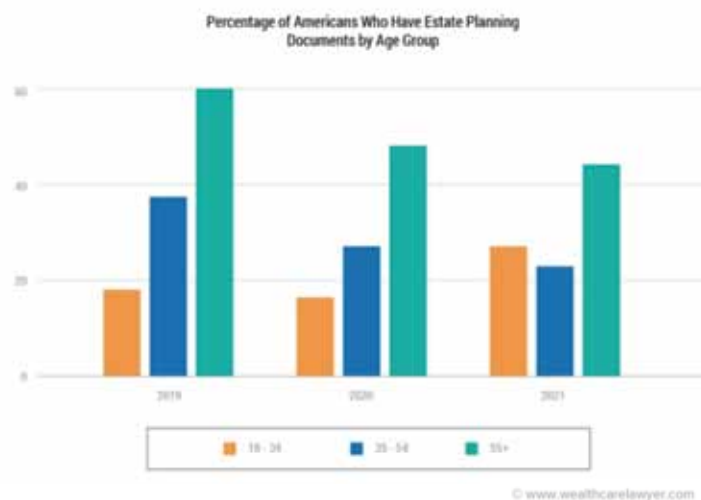
The number of adults aged 85 and older is expected to nearly triple over the same period, from 6.4 million to 19 million. This grey tsunami drives job growth in the direct care workforce. In contrast to the rapid expansion of the older adult population, the population of adults aged 18 to 64 is expected to remain relatively static, which means that there will be fewer potential paid and unpaid caregivers available to support older adults. Currently, there are 31 adults aged 18 to 64 for every adult aged 85 and older, but by 2060, that ratio will drop to 12 to 1.⁷

It has been convincingly argued that Direct Care Workers are underpaid,⁸ but this situation will probably not last too much longer. Demographic forces and the law of supply and demand will lead to more expensive direct care in the coming years.

6. Low estate planning participation

A new report shows that Americans contemplated mortality more frequently in the wake of the COVID pandemic. Indeed, 1 out of 3 people said that COVID caused them to see a greater need for an estate plan. However, procrastination won out for a third of those who, while seeing a greater need, did exactly nothing.⁹ Even more surprising, at least based on this survey, estate planning has *decreased* overall from 2019 to 2021 except for the 18–34 age group (see bar graph).

Figure 5: Americans with Estate Planning Documents by Age Group



Estate planning is poorly understood by many. Since 2017, the percentage of people who say they don’t know how to get a will has increased from 4 percent to 7.6 percent.¹⁰ Even worse, some academics even hold such dim views as, “trust and estate planning as a profession ... has contributed at multiple levels to enduring inequality in America, from building individual family fortunes to the creation of broader class institutions such as trust funds and charitable foundations.”¹¹

A more common prejudice is, “We are not rich enough to need estate planning.” The absence of estate planning, not its proper use, may in fact contribute to inequality. Many who could profit from estate planning never contact a planner. For this reason, leading organizations such as The American College of Trust and

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Estate Planning continued

Estate Counsel (ACTEC) have made it a priority to reach minorities and other associations specifically organize minority estate planners.¹²

However, as we have mentioned above, postponing or foregoing estate planning is pervasive across the population at large. Education must be intensified to reach all population groups to ensure an orderly transfer of the unprecedented amount of wealth that will pass hands in the next 20 years. We do not want resources ending up in the wrong hands, be it family members ill prepared to manage them, or government programs for which we have little appreciation. While taxes are obviously needed, it is also a justifiable belief that funding charities is a more direct way of unbureaucratically contributing to the welfare of communities than taxation.

Conclusion

While Millennials (72 percent) and members of Generation X (59 percent) are significantly more pessimistic about achieving financial security in retirement, as compared with Baby Boomers (43 percent) and the Silent Generation (26 percent),¹³ contemplation of the wealth transfer from the Boomers to the successor generations could alleviate some or most of this anxiety. However, Boomers may not be able to transfer as much wealth as they may want to because as they age, they must pay

for their long-term direct care needs and medical care—costs that will certainly continue to rise, especially as the shortage of long-term care workers increases. Tax rates are currently unsustainably low, and it is quite certain that government expenditures will need to be lowered and taxes raised.

Tax increases will likely take a bite out of the amount of wealth that goes to family members and, unfortunately, instead of being distributed more broadly by the government for social services will be increasingly used to service the federal debt. Much wealth will not be put to its most productive use, e.g., buying homes, starting businesses or giving to charity, as the Wall Street Journal optimistically predicts, but instead be swallowed up by health care, long-term care and taxes to fund the government debt service.

All lawyers, not only those with an interest in Trust and Estates, can help to increase estate-planning participation among Americans. A possible solution is to enlist the help of Millennial and Generation X clients. First, they already take estate planning more seriously, and second, they have much to gain if their parents plan ahead. ■

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Footnotes

¹ Ben Eisen & Ann Tergeesen, *Older Americans Stockpiled a Record \$35 Trillion. The Time Has Come to Give It Away*, WALL STREET JOURNAL, July 2, 2021, <https://perma.cc/K7TS-ABU8> (last visited Jan 23, 2022).

² HHS Office of the Assistant Secretary of for Planning and Evaluation, *Most Older Adults are Likely to Need and Use Long-Term Services and Supports* (2021), <https://perma.cc/8GYE-WLVS> (last visited Jan 23, 2022).

³ Office of Research, Evaluation, and Statistics, *Fast Facts & Figures about Social Security, 2021* (2021), <https://perma.cc/X4A3-ZZC2> (last visited Jan 23, 2022).

⁴ *Id.*

⁵ Bureau of the Fiscal Service, *Financial Report of the United States Government - Management - Fiscal Year 2020* (2020), <https://perma.cc/9UYA-8WTG> (last visited Jan 23, 2022).

⁶ Congressional Research Service, *Recent Changes in the Estate and Gift Tax Provisions-Updated October 19, 2021*

(2021), <https://perma.cc/M5WT-8NRJ>.

⁷ Phinational.org, *Direct Care Workers in the United States* (2021), <https://perma.cc/W5NC-65UG> (last visited Jan 23, 2022).

⁸ *Id.*

⁹ Daniel Cobb, *2021 Wills and Estate Planning Study* (2021), <https://perma.cc/YVY2-MP5R> (last visited Jan 23, 2022).

¹⁰ *Id.*

¹¹ Brooke Harrington, *Trust and Estate Planning: The Emergence of a Profession and Its Contribution to Socioeconomic Inequality*, 27 SOCIOLOGICAL FORUM 825–846 (2012), <https://perma.cc/VZW6-86XY> (last visited Jan 23, 2022).

¹² The Association of Black Estate Planning Professionals – Collaboratively Building the Racial Wealth Gap, <https://abepp.org/> (last visited Feb 5, 2022).

¹³ Tyler Bond & Dan Doonan, *Retirement Insecurity 2021* (2021), <https://perma.cc/VX83-722F>.

TECHNOLOGICALLY SPEAKING

by Commissioner Erin Childs

Image in the public domain

I have spent the better part of 18 years in the courtroom in counties all around the state, as a litigator or sitting on the bench. As an attorney, I prided myself on keeping up and implementing the most advanced technology to run my law firm and conduct trials. I was, and still am, a technophile. I loved any technology that promised me the ability to save time, energy and money and make me a more effective advocate. I purchased a lot of great tools over the years, but I also threw away a ton of money on duds.

Oftentimes, I was frustrated with the antiquated technological abilities of most courtrooms, and then green with envy when I found a modern courtroom that could accommodate my latest techno tools. I often felt that we (attorneys and courts) were behind and missed out on so many opportunities to utilize technology to our benefit. I was perplexed to see other professions that embraced technology while we did not.

Let me give you an example of what I mean. Think about when you go to your doctor. If yours is like mine, the doctor enters the exam room, scans a badge attached to a bungee-chord attached to their lab coat enabling them to access my complete medical history, all while holding an iPad in the other hand that they will soon use to collect all my latest vitals and info and “call in” my prescription to my pharmacy. My doctor can even look at what my other doctors have done for me right there in my digital chart on the iPad! No cumbersome paper charts, but an abundance of green, accurate, useful information at their fingertips.



I have visions of a time when courts can text people their orders, and attorneys can airdrop all their exhibits to an iPad that I can mark up all I want. Wouldn't it be nice to have the entire case file at your fingertips on an iPad from which you can click a few radio buttons and send off documents, pay filing fees, etc.?

I know what you are thinking right now. That's available. It is possible. The technology is there. So why aren't we using it? I suppose a large part of the answer is money. It takes money to implement systems. But what are the other reasons? Ponder that.

My quick answer is that the legal profession has a lot of history steeped and committed to tradition. Our tradition is strongly tied to academia, esoteric Latin terminology and wood-paneled courtrooms run in a very formal manner that only lawyers could navigate successfully. The law didn't embrace technology the way the medical, military and education professions did. Why? Technology is novel and innovative and pulls us away from the traditions and history

with which we identify and esteem.

Ok. But wait.... Enter the COVID pandemic stage left. Willing or not, COVID's big boot pushed us right into the technological deep end of the pool. There we were in March 2020, trying to figure out how to ensure the public access to justice and prevent the spread of a dangerous and frightening virus. Enter Zoom virtual technology stage right. And just like that, we were all learning how to practice law in front of a camera, on a computer or smartphone.

Almost overnight, the court was up and running, with our talented IT department retrofitting outdoor security cameras to our computers, buying televisions at Costco, and taping down wires up, down and all around the place so that we could get back into court.

Within weeks, thousands of litigants and attorneys were able to once again access courtrooms from their place of work, living room, car or office. We quickly learned how to manage bustling screens with 40 faces, make argument on smartphones, screenshare exhibits, and upload court forms and self-help flyers via the chat box. Our everyday courtrooms looked unrecognizable, but it got the job done. There is no doubt, we survived the deep end of the pool and, on most days, it appears we have even mastered synchronized swimming. My point is that we have proven that we can adapt to affordable technology that enables us to do our jobs better.

We have adjusted to living with the pandemic, re-opened courthouses, received news that we should be

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TECHNOLOGICALLY SPEAKING CONTINUED

getting a new courthouse sometime soon, and look forward to several new bench officers in our county. What will all this activity and change mean for technology in our offices and courtrooms? What should we think about today to be better prepared for tomorrow?

CURRENT COURTHOUSE TECHNOLOGIES

Allow me to pivot and talk about what current resources we do have. Jewels Chreene, Infra-structure Analyst at the San Luis Obispo County main courthouse, answered some of my questions about our current technological capabilities.

Q: Can you give us a general description of the technological capabilities of the main courtrooms in the San Luis Obispo courthouse? And then can you give us the same description for the two courtrooms that are on the first floor (Departments 11 and 12)?

A: Currently, most of the courtrooms have been converted to hold hybrid sessions—hosting Zoom sessions while being able to have people live in the courtroom as well. This consists of using the internal built-in microphones to feed through Zoom for those joined remotely.

Courtrooms have the capabilities to have two camera angles if needed—one of the bench and one for the counsel table and audience. Each courtroom also has its own TV to view those joined via Zoom. This can be remotely controlled by the clerk or legal processing clerk from their computer. Department 12 is setup the same way.

The only difference with Department 11 is the direct connection for the TV to the bench's PC as an extra monitor when internal microphones

are not being used for counsel/witnesses/etc. There are also still USB microphones available, but they only pick up the bench. This works fine when there are no public parties physically in the courtrooms.

Q: What are some practices that are not allowed in the courtrooms (such as using thumb drives, USB drives, links to Dropbox etc.), and what is the reasoning behind those limitations if you can say?

A: We have a security policy in place to not insert USB thumb drives, CDs or external discs to network joined pcs to prevent any viruses or malware that could affect our systems. For exhibits that need to be reviewed, we have an off-network laptop available to court staff for a safer option.

Q: What technological advances do you see in the near future for us?

A: With a lot of things moving to remote and living in a digital age, a lot things are moving to cloud-based. Examples would be remote pay sites for the public, sharing documents via OneDrive and creating SharePoint sites for staff, public and attorneys. As for staff, I would love to see a way for clerks to be able to move around from each courtroom and be able to access a virtual desktop so all their settings and features will be the same no matter where they log in. I see the ability for electronic signatures via email or text as well as long-term storage for submitted electronic evidence.

Q: Can you give us some examples of technological tools that are available to the public now but that are not being used in our courtrooms?

A: This ties in with my answer

above, if we were able to purchase and setup configurations for access to cloud-based types of applications and features such as a virtual desktop for users.

Q: Do you have any suggestions for good apps or software that can be used in the courtroom?

A: None that come to mind that we aren't already using. I know on occasion we have the interpreter option on Zoom and an option for closed caption for ADA needs. These get used when needed. Same for BoxCast, which is our current live-streaming option that automatically goes live to our public-facing website when used.

Q: If an attorney or litigant needs to use the television, projectors or other technology in the courtroom, how do they go about doing that?

A: Currently attorneys or litigants need to bring their own projectors and/or laptops for use. With Zoom sessions hosted by the courts, participants can share screen/documents/exhibits in that manner that makes for easy use. ■

Editor's Note:

The courtroom technology we have to work with now is great, but there is room and opportunity to incorporate innovation and creativity. Now is the time to consider technology and how we practice law at the office and in the court system.

So, let's keep this conversation going! Have you seen technology in other offices, or courthouses that made the practice of law and administration of justice better, faster, greener, or more convenient? Please send any comments to tarajacobi@icloud.com.

Now Offered at the North County Courthouse...

New Digital Access to Legal Research & Resources for Attorneys & the Public

The San Luis Obispo County Law Library recently set up a new resource in the Lobby inside the Paso Robles Courthouse to bring greater legal access to attorneys and citizens north of Cuesta Grade.

The computer kiosk, currently **accessible 8:30 a.m. to 4:30 p.m. Monday–Friday at 901 Park Street**, offers the same digital law resources and forms available to those who visit the Law Library’s San Luis Obispo location.

Available Legal Resources & Self-Help Resources

- Westlaw
- Bell’s Compendium on Search & Seizure
- California State Assembly Daily Journals
- California Senate DailyFile
- California Bill Search
- NOLO Guides (1,000+ volumes)
- Pleading Papers formatted as Word documents
- Google Internet access
- E-filing from this computer

Resources Not Offered

- CEB On-Law and programs such as Outlook

Online Form Preparation for California Superior Court, County of San Luis Obispo

- Divorce
- Child Support/Custody
- Domestic Violence Restraining Order
- Civil Harrassment Restraining Order
- Elder Abuse
- Guardianship
- Small Claims
- Name Change
- Eviction/Unlawful Detainer
- Request for Order



A digital law library and legal forms are accessible on the computer kiosk at the Paso Robles Courthouse, 8:30 a.m.–4:30 p.m. weekdays. Photo courtesy of San Luis Obispo County Law Library

For Assistance

Kiosk users are encouraged to call the San Luis Obispo County Law Library, (805) 781-5855, with questions from 9 a.m. to 4 p.m. Monday–Wednesday and 8:30 a.m. to 1:30 p.m. Thursday–Friday.

Law Library staff may assist in locating materials, but may not interpret legal materials, give legal advice or assist with filling out forms.

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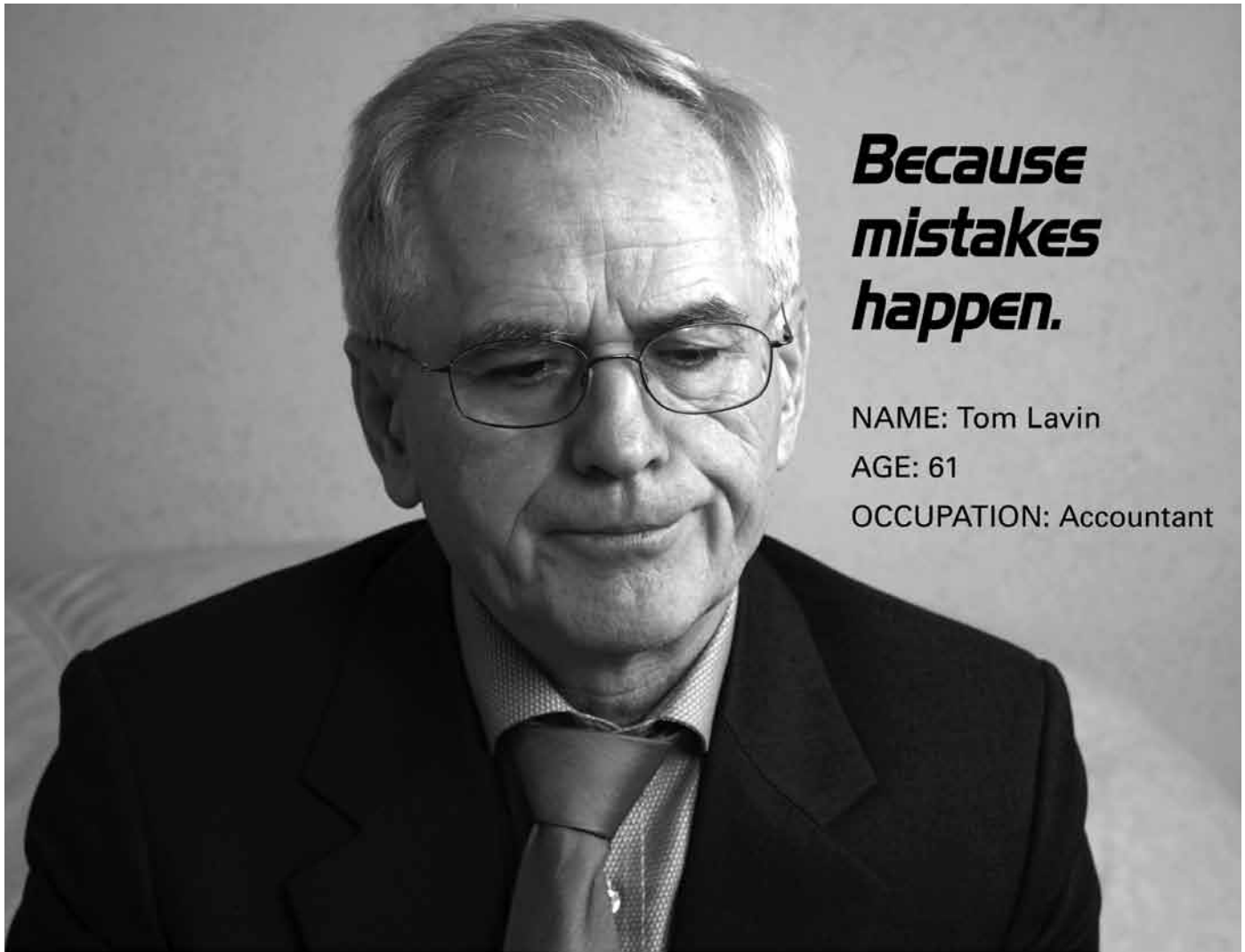
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Leadership: What Does It Mean to You?

by Tara Jacobi

Molding individuals into a team is part of how the dictionary defines leadership. Now, what leadership means to an individual and how one goes about doing so obviously varies. I recently listened to current San Luis Obispo County Bar Association President Kara Stein-Conaway talk about leadership.

Her definition of leading includes aspects of leading that I've rarely heard advocated before when discussing the topic. Stein-Conaway includes leading by being inclusive as opposed to excluding, as well as elevating everyone involved to their highest potential, knowing that everyone has something valuable to contribute.

I was intrigued. I needed to know more. And in asking her about her ideas of leadership she did just that, as she suggested we include in the conversation other leaders of our legal community, Presiding Judge Craig van Rooyen and Women Lawyers Association of San Luis Obispo President Maren Hufton. Their responses will follow in the continuation of this article in our next issue.

Q: Kara, what does leadership mean to you? Do you believe leadership involves molding individuals into a team? If so, how do you do that? If not, why not?

A: When a "leader" decides on goals without seeking input and feedback from the people the "leader" is attempting to lead, then the "leader"

may feel compelled to try to mold their team into what they think they need to accomplish their goal. In this situation, the leader becomes frustrated when their "team" fails to meet the "leader's" expectations. And, the team members feel frustrated because the goal is not their goal and they are not being valued for what they can contribute. Instead, they are being criticized for what they are failing to contribute. In my view, that's not effective leadership.

Effective leaders practice being present. They see their team members for who they are, what they love and what they would love to contribute. Effective leaders seek to spend time working in their "Desire Zones," and they want the people they work with, and who are part of their team, to work in their "Desire Zones" too.

In his book, "Free to Focus," Michael Hyatt writes, "The Desire Zone is...where you can unleash your unique gifts and abilities to make your most significant contribution to your business, family, community... and maybe the world."

When leaders operate from their "Desire Zones" and seek to support their team members to operate more and more in their "Desire Zones" as well, there is no need for the leader to mold anyone. Instead, as a leader, you support your team members as they become empowered to make contributions more meaningful than anything you could have forced or molded them into doing.

Q: What character attributes make for great leaders? What life experience

might make for great leaders? And what experiences, strengths or challenges do you see useful for yourself as a leader?

A: Being kind, empathetic, inclusive, uplifting, empowering, diligent, responsible and brave are the character traits that I think are most beneficial to have in our leaders.

A valuable skill set for leaders to develop is life experiences that have led the leader to learn how to be present in the moment, be still, observe, really see others and to have empathy for what other human beings are experiencing. A leader can develop that skill set from a variety of experiences.

In a previous *Bar Bulletin*, I published "My Breakdown That Led to My Breakthrough: Why I Don't Work on Sundays or Go Without My Morning Routine." Here's an excerpt from that article that responds to your question.

"It was a cool winter Sunday morning in December 2017 when I kissed my one-year-old, Cameron, and four-year-old, Jackson, goodbye and headed to my office as I had done nearly every day since January 2017 when I had decided to open my own law firm. Typically, when I arrived in the early morning hours on the weekend, I was the only person in the building for at least most of the time, and I was able to tackle those more time-consuming projects without interruption.

"But this morning was different. When I stepped into my office and

Continued on page 28

Leadership continued

closed the door, I was physically unable to make it to my chair or to even turn on my computer. Instead, I collapsed to the floor. I felt exhausted and I felt devastated. I wanted to be home with my sons. I knew that Cameron would be running around in that adorable way that babies run when they've mastered walking and their little legs can't quite keep up with the excitement they feel about their new mobility. So, they run and tumble, run and tumble, and melt your heart with the absolute beauty of it all.

"Jackson was beside himself with joy that his once-tiny baby brother, who had previously just laid on the floor drooling, had suddenly turned into a playmate who was interested and willing to participate in any play idea that Jackson could come up with. And I was missing it. I was missing a lot of it, and I felt guilty and I felt angry. I was angry at myself because I was the one who packed up my work bag, drove to my office and left the beauty that was right before my eyes for the work challenges I was in no state to tackle.

"I was 36 years old and never had experienced anything like this before. Before I had children, I would work a full day, bring my work home on the weekend and still take time to do things that nurtured me outside of work, too. Back then, time seemed more abundant.

"But as I laid on my office floor this winter morning in December 2017, I realized that so much had changed for me. I still wanted to provide extraordinary care and representation to every person who trusted me with their futures. Now, I had two little boys who would not be little forever and who I wanted to spend more time with. I knew when I decided to open a law firm of my

own that there would be challenges, but it took me lying emotionally paralyzed on the floor that cool Sunday morning to realize that my current path was not sustainable.

"This was my breakdown that led me to my breakthrough.

"I committed right then and there while I was lying on the floor that I would no longer be coming into the office on Sundays. By setting that boundary, I immediately felt a huge sense of relief.

"So in 2018, I stopped working on Sundays. Sundays became a day that I could count on to play with my boys and also set aside some time to nurture myself.

"In addition to not working on Sundays, I also began a daily morning routine that helped me make sure I was starting off each day with a full cup.

"In 2018, I became more intentional about practicing self-care and self-love. Learning to care for myself in this way has led me to experience greater peace, happiness, creativity, belonging and success. As I've practiced more and more, I've also come to see myself as an industry disruptor.

"I want to explain a bit more about what I mean by describing myself as an industry disruptor. As a lawyer, and with other careers as well, we are expected to take on extraordinary challenges and not let it show when we are struggling. I believe that the model of working ourselves into the ground as a measure of success and contribution is outdated and totally unhealthy. I am an advocate for developing a new way and healthier way of relating to our work and living our lives."

Q: What approach do you continue to strive for when leading a group

of individuals? What might you find the most challenging about your current experience as the San Luis Obispo County Bar President and what might you find the most enjoyable?

A: I hope that I am being an inclusive leader. I reached out to the incoming 2022 San Luis Obispo Bar Board members, asking for their input about our priorities for this year because I wanted our efforts to take advantage of the unique talents and passion areas of the board members, who generously spend their free time in service of the bar association and our community.

I reached out to the membership and explained what the bar association committees were, and I explained time commitments involved in committee participation so that people could assess whether it would be a good fit for them. I invited our members to consider joining committees.

Our Bar Executive Director Kerrin Hovarter and I have implemented new communication strategies that aim to inform members of important information as far in advance as we can.

There are so many amazing people who are part of the San Luis Obispo County Bar Association. One of the most enjoyable experiences for me is getting to see our members contributing and doing such meaningful work in our community. When I see others making a positive difference, it warms my heart, it fills me with hope and it fuels me.

The flip side of this is what I find most challenging. I would love to spend more time supporting the amazing projects that so many of our members dedicate themselves





to. I would like to be at all the amazing fundraising events and community outreach events our members are organizing and hosting. I want to tell

as many people as I can that I see them making a difference, that I appreciate their hard work, dedication and generosity. Making the contribution is often not easy and requires personal sacrifice, and I think if we acknowledge one another more, that goes a long way.

Q: What leaders in history do you admire? Many leaders in history were not nice people or were deeply flawed people. Do you have any insight to share as to how one can be both?

A: In a previous *Bar Bulletin*, I published "Justice Ruth Bader Ginsburg's Lesson: We Can Be Powerful, Impactful and We Can Accomplish Our Wildest Dreams, All While Empowering Others to Rise With Us."

In this article, I discussed the "power over" and "power with" models of leadership, below.

"RBG's life work was the anti-thesis of the "power over" model; she led using the "power with" model. RBG embodied a new model of power and a new model of lead-

ership that resonates with so many of us. RBG's example inspires those of us who feel called to step into our own power as leaders, but who would never dream of becoming more powerful if it meant that in doing so we would be perpetuating a "power over" dynamic that is the opposite of everything we know in our hearts to be right.

"For those of us who aspire to lead and want to cultivate our power for the benefit of humanity, RBG showed us the way.

- We can lead in a way that is kind, not cruel.
- We can lead in a way that is uplifting, not polarizing.
- We can lead with empathy, not with hatred.
- We can lead with inclusiveness, not division.
- We know that as leaders, the more we empower others, the stronger we all become.

"RBG showed us the strength of the human spirit by facing and persevering through incredible challenges in her own life."

I believe that the leaders we need right now are leaders who are both focused on accomplishing an external goal and who are also aware and mindful of the importance of cultivating peace within. They also want those they lead to feel peaceful within themselves. When we learn

how to return to peace within ourselves, we show up peacefully, and in turn that creates a more peaceful world.

"Yesterday I was clever, so I wanted to change the world. Today I am wise, so I am changing myself." – Rumi.

Q: How do you hope the next generation might learn to lead best?

A: I hope that the next generation leads more intuitively and more freely, continuing to release the confines of what leaders looked like before and what leaders did in the past. I hope that the next generation of leaders allows their limitless potential to be fully seen and experienced out into the world.

"Stop acting so small. You are the universe in ecstatic motion. Set your life on fire. Seek those who fan your flames." –Rumi

T: Thank you, Kara.

K: Thank you for asking me these questions, Tara. I'm honored to be asked. ■

Editor's Note: Stay tuned for the continuation of this conversation in the next issue with responses from Presiding Judge Craig van Rooyen and Women Lawyers Association of San Luis Obispo President Maren Hufton.

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Contributors are encouraged to limit the length of their submitted articles to 2,500 words or less, unless the article can be published in two parts in successive issues. Lengthy lists of footnotes or citations should be incorporated into the article.

Editorial contributions to the *Bar Bulletin* must be submitted electronically **ONLY** in Microsoft Word format directly to the 2022 Editor at tarajacobi@icloud.com

To ensure consideration for inclusion in the next scheduled edition, your articles, photographs and art, advertisements and ad payments must be received by the deadlines listed in the Publications Schedule at right.

The *Bar Bulletin* reserves the right to reject or edit any contributions. By submitting contributions for publication, contributors consent under this policy to the editing of their work, the publication of their work and the posting of their work online.

The San Luis Obispo County Bar Association does not pay contributors for their submissions.

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Your submission of photographs/artwork to the *Bar Bulletin* authorizes their publication and posting online. All photographs must be submitted in jpg or tif format with a resolution of not less than 300 dpi via email or, for large files, via WeTransfer. Please include the photographer's name and that you have permission to use the photograph.

Publication Schedule

The *Bar Bulletin* is published six times per year. **The deadlines for accepting articles, photographs/art, advertisements and ad payments follow.**

ISSUE	DEADLINE
• January–February	11/25
• March–April	1/25
• May–June	3/25
• July–August	5/25
• September–October	7/25
• November–December	9/25

Advertisement Policy

All advertisements in the *Bar Bulletin* must be submitted in jpg, tif or pdf format with a resolution of not less than 300 dpi.

Flyers or announcements for the opening, closing or moving of law practices, upcoming MCLE programs or other events put on or sponsored by organizations other than the San Luis Obispo County Bar Association are considered advertisements, and therefore they are subject to this policy and to all applicable advertising rates.

Information on advertisement sizes and rates can be found online at www.slobar.org. All advertisements should be prepared prior to publication.

Contact Kerrin Hovarter at (805) 541-5930 to reserve advertising space and arrange payment.

2022 Bar Bulletin
Tara Jacobi, Editor
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